

TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # 11115 - MYERS/MILLER

Dane County Zoning & Land Regulation Committee Public Hearing Date MARCH 28, 2017

Whereas, the Town Board of the Town of SPRINGDALE having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 7 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. Deed restriction limiting use(s) in the LC-1 zoning district to only the following:
SEE ATTACHED MINUTES
2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

4. Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

5. Other Condition(s). Please specify:

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, VICKI ANDERSON, as Town Clerk of the Town of SPRINGDALE, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on APRIL 17, 2017.
Town Clerk VICKI ANDERSON Date: APRIL 20, 2017.

EXCERPTBRETT MYERS REZONING AND CUP.....MINUTES OF THE SPRINGDALE TOWN BOARD MEETING, April 17, 2017

IN ATTENDANCE: Town Board Chair Ed Eloranta, Supervisor I Mike Fagan, Supervisor II Richard Schwenn and Clerk Vicki Anderson.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. By 4/13/2017 the agenda was posted in the three customary locations in the Town of Springdale as required by law and, as a courtesy to the residents, the notice of the meeting was published in the *Mt. Horeb Mail* on 4/13/2017. In addition, the bid notice for road work required a Class I notice in the *Mt. Horeb Mail*.

PLAN COMMISSION RECOMMENDATIONS: BRETT MYERS – CHRIS & KARI MILLER LANDS/#11115 REZONE LC-1 FOR LAWN MAINTENANCE AND CUP #2376 FOR RESIDENCE OF CARETAKER/US HWY. 18/151/SEC. 13,

MOTION by Fagan/Schwenn to approve the recommendation of the Plan Commission to rezone the entire parcel to LC-1 for a lawn maintenance and snow plowing business and remove to the R-4 zoning, and to approve the CUP for a single-family residence for the caretaker, as the proposal was deemed to meet the six standards of a CUP with the following conditions:

1. The LC-1 use shall be limited to a lawn maintenance and snow plowing business conducted off-site. It is a service oriented business with no manufacturing, assembly of products on the premises.
2. The Hours of Operation shall be Monday – Saturday, 7 a.m. – 7 p.m. during lawn maintenance season and as needed during snow plowing season.
3. The number of employees is 4, not including the resident/co-owner residing on the property. The number of hours each employee shall spend on site is 5 hrs./week to arrive to pick up equipment and supplies at the start of the day and to return equipment and supplies at the end of the day. (Four employees on site no more than 5 hours a week per employee = 20 hours a week of on-site activity.)
4. No retail sales shall be conducted on the property.
5. Outside amplification of sounds is prohibited.
6. Signage is prohibited.
7. All outside lighting shall comply with the Town of Springdale Dark Sky Lighting Ordinance. (All lighting shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixture shall be full cut-off fixtures which prevent upward transmission of light. All night photo cell controlled lighting shall not be permitted, however, motion controlled and switch controlled security lights are acceptable.)
8. Outside storage of materials shall be shielded from visibility from the highway and from the residence to the West. Road salt stored outside shall be limited to 5 yards of salt, stored in such a manner to prevent soil infiltration and/or run-off and in compliance with DNR standards.
9. Debris from job sites shall be disposed of off-site and burning on-site is prohibited.
10. All equipment shall be stored inside the accessory buildings. (The equipment consists of 2 pick-up trucks, 2 trailers, 2 riding lawnmowers, 2 skid loaders, 2 plows, 2 salt boxes, 1 dump trailer and several snow blowers.)
11. The existing natural vegetative screening between this lot and the neighbor to the West shall be maintained.
12. All employee vehicles, not to exceed 4 vehicles, shall be parked as close to the outbuilding as possible.
13. The existing second residential-like structure on the lot shall be office space; at no point shall it be used as a residence. The R-4 zoning shall be revoked.
14. Architectural review and approval by the Springdale Plan Commission shall be required for any proposed improvements to the lot, and shall include review of the exterior appearance, design, size and character of the proposed improvements, including parking facilities. The improvements shall enhance the rural quality of life throughout the town.

Discussion: As the proposal has been discussed at the Plan Commission meetings, it was considered to be consistent with the Town Land Use Plan which supports LC-1 uses with conditions. At the time of developing the Plan, these type of businesses were supported, considered not too different from agricultural uses. The Town has approved several LC-1 uses and they have operated without problems, so the standards in the Plan should be applied fairly to all applicants. However, the Town makes sure to rezone for only what is requested and to impose conditions to prevent the use from ‘morphing’ into something else. If the use were to change from what is approved now, the owner would have to reapply and all proposed changes would have to be approved by the Town.

Concerns: *Some concerns expressed included a residential use adjacent to a limited-commercial use; what does the residence gain from this? *The trucks and trailers used in the business would have to enter and exit US Hwy. 18/151, potentially an unsafe situation. But, the permitting authority for driveways on US Hwy. 18/151, Wisconsin DOT, issued a permit for connection to a State trunk highway for the property since the existing access will be changed from Rural -Residential to Rural-Commercial. #13-100225167-2017. WI DOT allows for up to 50 trips per day for rural light commercial and no turning lane from US 18/151 is necessary. *A resident on Dairy Ridge Road, separated from the property by a 40-acre farm field, requested the Town to require vegetative screening on the northside of the Miller lot to buffer any noise or car lights from the business which could negatively impact the residences along Dairy Ridge Rd. Motion to approve carried 3-0.

Respectfully submitted, Vicki Anderson, Town Clerk